

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 – 30, and 37 - 39 are pending in this application.

Claims 23 and 29 have been amended.

New claims 37 - 39 have been added.

**Regarding the § 102 Rejection**

Claims 1-3, 13, 14, 16-18, 27, 28, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Kaltenbach* (U.S. Patent No. 5,641,400). Applicant respectfully traverses this rejection. Applicant agrees with the Examiner that *Kaltenbach* discloses a flexible circuit comprising: a substrate having a plane; and a flexible structure formed within said substrate and coplanar with said substrate. Applicant respectfully points out that the *Kaltenbach* structure contained within the substrate is not extensible. Furthermore, Applicant notices that the *Kaltenbach* structure is intended to be operated within a single plane as shown in Figures 1 through 4B. The structure shown in Figure 5A is a specific technique for constructing the structure in 4A. *See Kaltenbach* col. 5, lines 16-19 and text starting at col. 12, line 46. Applicant strongly points out that there is no structure within *Kaltenbach* that extends out of the plane formed by the substrate. Independent claims 1 and 17 recite, among other things, an extensible structure that “is adapted to be extended out of said plane.” As discussed above, *Kaltenbach* does not teach or anticipate an extensible structure that “is adapted to be extended out of said plane.” Applicant would agree that *Kaltenbach* teaches a planar structure that folds into a secondary planar structure, but submits there is no teaching of an extensible structure. As such, Applicant respectfully requests that the § 102(b)

rejection based on *Kaltenbach* be withdrawn as to claims 1 and 17. With respect to dependent claims 2, 3, 13, 14, 16, 18, 27, 28 and 30, these claims are either directly or indirectly dependant upon independent claim 1 or 17. Thus, these claims are not anticipated at least, for the same reasons as stated above with respect to claims 1 and 17. Applicant respectfully requests that the § 102 rejection be withdrawn and submits that these claims are ready for allowance.

Claims 1, 2, 15, 17, and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Hibbs* (U.S. Patent No. 6,088,498). Applicant respectfully traverses this rejection. Applicant agrees with the Examiner that *Hibbs* discloses a flexible circuit comprising: a substrate having a plane; and a flexible structure formed within said substrate. Applicant respectfully points out that the *Hibbs* flexible structure (20) within the substrate (12) does not extend from or leave the plane of the substrate. Applicant notes that there are a number of structures attached to the substrate, but that none of these structures can be considered to be within the substrate. In particular, *Hibbs* does not anticipate a “flexible and extensible structure formed within said substrate and co-planar with said substrate” wherein “said structure is adapted to be extended out of said plane” of the substrate. Independent claims 1 and 17 recite, among other things, a “flexible and extensible structure formed within said substrate and co-planar with said substrate” wherein “said structure is adapted to be extended out of said plane” of the substrate. As discussed above, *Hibbs* does not anticipate such an extensible structure as presently claimed. As such, Applicant respectfully requests that the § 102(b) rejection based on *Hibbs* be withdrawn as to claims 1 and 17 and the rejected claims dependent upon them.

#### Regarding the § 103 Rejection

Claims 8-12 and 22-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaltenbach* in view of *del Puerto* (U.S. Patent NO. 5,186,238). Applicant agrees with the Examiner

that the *del Puerto* patent discloses various types of spiral configurations. Applicant respectfully points out that the spiral structure of *del Puerto* is a shallow spiral groove machined on a liquid film interface chuck. *See Del Puerto* col. 2, lines 30-54. Nothing in *del Puerto* teaches a configuration that is a “flexible and extensible structure.” *Del Puerto* only teaches a rigid solid spiral structure.

Regarding claims 8-12 and 22-26, these claims are each dependant upon an independent claim that recites “a flexible and extensible structure” Applicant submits that the combination of *Kaltenbach* in view of *del Puerto* does not teach, allude to, or render obvious claims 8-12 and 22-26 because there is no suggestion to combine the cited references in order to establish the claimed invention of claims 8-12 and 22-26. Applicant therefore respectfully submits that there is no *prima facie* case of obviousness presented due to the lack of some suggestion or motivation, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the teachings to present a flexible and extensible structure as suggested. As such, Applicant respectfully requests that the § 103 rejection be withdrawn and submits that all claims are ready for allowance.

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant’s representative indicated below to further prosecution of this application to allowance and issuance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By 

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